

**FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426**

**OFFICE OF ENERGY PROJECTS**

**Project No. 13334-000  
Mississippi Lock & Dam #3 Water  
Power Project  
FFP Project 31, LLC**

**December 11th, 2008**

**Mr. Daniel R. Irvin  
FFP Project 31, LLC  
33 Commercial Street  
Gloucester, MA 01930**

**Subject: Deficient Preliminary Permit Application**

**Dear Mr. Daniel R. Irvin:**

This is in reference to your preliminary permit application filed on November, 2008, for the Mississippi Lock & Dam #3 Project No. 13334. In your application, you propose to study developing a project at this location, using hydrokinetic and very low head turbine generators. Your application is deficient and lacking some information required under the Commission's regulations, as outlined in 18 CFR §4.32, 4.37, and 4.81.

We are requesting that you file additional information that is required. Schedule A identifies the information that is lacking in your applications with a check mark and comment.

Your response should be filed with the Commission within 30 days of the date of this letter. You should include the proper corrections to clarify your proposals.

Please file an original and eight copies of the requested information with:

**The Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426**

You should reference the corresponding project number for each filing.

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Thank you for your cooperation. Failure to provide this information may result in your application being rejected. If you have any questions regarding this letter, please contact me at (202) 502-6393.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony DeLuca', written over a horizontal line.

Anthony DeLuca  
Civil Engineer, EIT  
Division of Hydropower  
Administration & Compliance

Attachment: Schedule A

Schedule A

Project No. 13334-000

**APPLICATION FOR PRELIMINARY PERMIT  
REGULATIONS  
(Filed under 18 CFR §4.32, 4.37, & 4.81)**

SUBJECT	DEFICIENT	COMMENTS
Section 4.32		
A. Identify		
1. Every citizen, association of citizens, domestic corporation, municipality or state who has or intends to obtain proprietary right to the site.		
2. Any entity owning proprietary right as an applicant.		
B. Provide names and mailing addresses of entities affected or used by the project.		
1. Counties which the project is located.		
2. Cities, towns, or similar subdivision (5,000 people or more) within a 15-mile radius of the project dam.		
3. Irrigation districts, drainage districts or similar political subdivisions within the project area.		
4. Every other political subdivision in the project area applicant believes may be interested in, or affected by the project.		

## Schedule A

Project No. 13334-000

SUBJECT	DEFICIENT	COMMENTS
<p>Sections 4.37/4.81</p> <p>1.A. Municipal Applicant</p> <p>1. Political subdivision or agency of a state.</p> <p>2. Competent under state law to engage in the power business.</p> <p>3. Submit evidence of</p> <p>    a. copies of applicable state and local laws, or</p> <p>    b. other appropriate legal authority.</p> <p>2. A. If competing application, contain:</p> <p>    Proof of service of applicant of initial application.</p> <p>Initial Statement</p> <p>1. A. Location of project State, County, Body of Water</p> <p>2. A. Applicant Name, address, telephone number</p> <p>    B. Agent Name, address, telephone number</p> <p>Exhibit 1</p> <p>1. A. Dams (Except Federal Dam) - For each dam</p> <p>    1. Type</p> <p>    2. Composition</p> <p>    3. Height</p> <p>    4. Length</p> <p>    B. Penstock or other conduit</p> <p>        1. Length</p>		

## Schedule A

Project No. 13334-000

SUBJECT	DEFICIENT	COMMENTS
<p>Boundary</p> <p>6. Information demonstrating the manner that the proposed project would develop, conserve, and utilize in the public interest water resources of the region</p>		
<p>Exhibit 2</p> <p>1. A. Description of study Plan B. Description and location of new roads No new roads</p> <p>2. Work plan for new dam construction A. Description of field studies, tests, and other land disturbing activities B. Schedule for conducting studies A C. Environmental measures to minimize impacts</p>		
<p>Exhibit 3</p> <p>1. A. Estimated cost of the studies 2. A. Sources and extent of financing studies 3. A. Proposed market for the power generated B. Purchaser of the power generated</p>		
<p>Exhibit 4</p> <p>1. A. Map of the project B. Map showing the location of the project 1. Stream or other body of water</p>		

## Schedule A

Project No. 13334-000

SUBJECT	DEFICIENT	COMMENTS
2. Nearby towns 3. Permanent monuments 4. Shows location of project facilities described in exhibit 1 C. Map showing project boundary 1. Enclosing all project facilities (except Federal dams) 2. Project areas within National Wild and scenic rivers systems 3. Wilderness areas recommended for designation 4. Wilderness areas designated for study	X	You must provide a map of the project with permanent monuments labeled.
	X	Please provide in map.
	X	Please provide in map.

## ADDITIONAL INFORMATION:

The Commission's Notice of Inquiry (NOI) (Docket No. RM07-08-000), "Preliminary Permits for Wave, Current, and Instream New Technology", was issued on February 15, 2007. This NOI sets an interim policy for processing ocean/tidal preliminary permit applications, in which the Commission will apply a "strict scrutiny" approach with a view toward limiting the boundaries of the permits, to prevent site-banking and to promote competition.